## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION No. 7:24-CV-1082-D

WILLIE TRAYNHAM, JR.,	)	
Plaintiff,	)	
v.	<u> </u>	ORDER
JAMES CLINARD, et. al.,	)	
Defendants.	)	

On November 19, 2024, Willie Traynham, Jr. ("Traynham" or "plaintiff"), appearing prose, filed a complaint alleging various violation of his rights under the United States Constitution and federal regulations [D.E. 1] and motion to proceed in forma pauperis [D.E. 2]. Pursuant to 28 U.S.C. § 636(b)(1), the court referred the matter to United States Magistrate Judge Numbers for a memorandum and recommendation on Traynham's motion to proceed in forma pauperis and for frivolity review [D.E. 5]. On November 25, 2024, Magistrate Judge Numbers granted Traynham's motion to proceed in forma pauperis [D.E. 6]. On April 1, 2025, Magistrate Judge Numbers issued a memorandum and recommendation ("M&R") [D.E. 8]. In the M&R, Magistrate Judge Numbers recommended that the court allow Traynham's claim against James Clinard ("Clinard") under 42 U.S.C. § 1983 and the Fourth Amendment to proceed and dismiss without prejudice Traynham's other claims. See id.

"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." <u>Diamond v. Colonial Life & Accident Ins. Co.</u>, 416 F.3d 310, 315 (4th Cir. 2005) (cleaned up); <u>see</u> 28 U.S.C. § 636(b). Absent a timely objection, "a district court

need not conduct a de novo review, but instead must only satisfy itself that there is no clear error

on the face of the record in order to accept the recommendation." Diamond, 416 F.3d at 315

(quotation omitted). If a party makes only general objections, de novo review is not required. See

Wells v. Shriners Hosp., 109 F.3d 198, 200 (4th Cir. 1997). In "order to preserve for appeal an

issue in a magistrate judge's report, a party must object to the finding or recommendation on that

issue with sufficient specificity so as reasonably to alert the district court of the true ground for the

objection." Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017) (quotation omitted); see United

States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007).

Neither party objected to the M&R. Therefore, the court reviews for clear error. The court

has reviewed the M&R and the record. There is no clear error on the face of the record. See

Diamond, 416 F.3d at 315.

In sum, the court ADOPTS the conclusions in the M&R [D.E. 8], DISMISSES WITHOUT

PREJUDICE all of Traynham's claims other than his claim against Clinard under 42 U.S.C. § 1983

and the Fourth Amendment, and DISMISSES all defendants other than Clinard from the case.

SO ORDERED. This 4 day of May, 2025.

AMES C. DEVER III

United States District Judge